

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ESMELING L. BAHENA,

Plaintiff,

v.

T. Lemon,

Defendants.

No. 2:22-cv-01009 DB P

ORDER

Plaintiff, a state prisoner proceeding pro se, filed a civil rights action pursuant to 42 U.S.C. § 1983, together with a request to proceed in forma pauperis. In his complaint, plaintiff alleges violations of his civil rights by defendants. For the reasons discussed below, the court concludes that the case was erroneously filed in the Sacramento division of the Eastern District of California, and therefore transfers the action to the Fresno division.

The complaint mostly describes conduct that allegedly occurred at Kern Valley State Prison in Kern County, California, although the complaint also addresses an incident that allegedly occurred at Salinas Valley State Prison in Monterey County, California. (See generally, ECF No. 1.) It appears that most of the conduct described in the complaint took place in Kern County, which is part of the Fresno Division of the United States District Court for the Eastern District of California. See Local Rule 120(d). Plaintiff has additionally filed a notice stating the

1 case should have been filed in the Fresno Division of the United States District Court for the
2 Eastern District of California. (ECF No. 6.)

3 Pursuant to Local Rule 120(f), a civil action which has not been commenced in the proper
4 division of a court may, on the court's own motion, be transferred to the proper division of the
5 court. Therefore, this action will be transferred to the Fresno Division of the court. In light of
6 1996 amendments to 28 U.S.C. § 1915, this court will not rule on plaintiff's request to proceed in
7 forma pauperis.


8 Good cause appearing, IT IS HEREBY ORDERED that:

- 9 1. This court has not ruled on plaintiff's request to proceed in forma pauperis;
10 2. This action is transferred to the United States District Court for the Eastern District of
11 California sitting in Fresno; and
12 3. All future filings shall reference the new Fresno case number assigned and shall be

13 filed at:

14 United States District Court
15 Eastern District of California
2500 Tulare Street
Fresno, CA 93721

16 Dated: December 11, 2022

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19 DEBORAH BARNES
20 UNITED STATES MAGISTRATE JUDGE

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